

REMARKS/ARGUMENTS

By this Amendment, claims 6, 9, 11-12, 15 were amended and claims 7-8, 10 and 16-20 were cancelled without prejudice. The specification was amended to correct and clarify minor grammatical errors.

Firstly, no new matter is introduced to this amended claims and support can be found in [0038]-[0040] of the specification and in the cancelled claims. Favorable consideration is respectfully requested for currently pending claims.

Claim Rejections – 35 USC § 102

Cutter. In item 2 of the Office Action, the original claim 6 and claims 13-15 were rejected under 35 U.S.C.102(b) as being anticipated by Cutter (US 3,967,336).

Referring to the Fig. 2, col. 2, lines 32-34, and col. 3, lines 24-27 in the '336 patent, Cutter discloses that the actuating lever 24 is affixed to a shaft 44 extending through the right side of housing 12. That means the actuating lever 24 cannot be easily attachable to and detachable from the shaft 44. But as recited in the amended claims and described in relation to Figs. 3(a)-3(b) and Figs. 4(a)-4(b) of the present invention, the handle member 53 is easily attachable to and detachable from the transmitting shaft 52 by adjusting the position of the first positioning pin 532.

Although, in Cutter the annular collar 58 has a radially extending release pin 60 extending therefrom affixed to the left-most end of shaft 44 and outside the end support 40, the annular collar 58 and the actuating lever 24 cannot being exchangeably disposed at the right-most and the left-most ends of the shaft 44. In other words, the '336 patent fails to disclose or suggest that features recited in claim 6 and disclosed in the specification of the handle member 53 having a hole 533, the first positioning pin 532, the stopper 54 having a hole 543, the second positioning pin 542, the transmitting shaft 52 having two holes 523, 524 and the structural combination among the above-mentioned elements. Therefore, Applicant submits that the rejected claims are not anticipated by Cutter.

Frederick. In item 3 of the Office Action, the original claims 6, 9 and 13-15 were rejected under 35 U.S.C. 102(b) as being anticipated by Frederick (US 2,898,613).

Referring to Fig. 4, and col. 2, lines 45-47 in the Frederick '613 patent, an operating handle 22 is secured to a right-most end of a shaft 21 by a pin 23. But on Frederick's left-most end of the shaft 21, there is not any relative structure that can receive or match the operating handle 22 when the binding machine 10 will be applied to left-hand users instead of right-hand users. On the other hand, the present invention is drawn to a punching apparatus 5, such as shown in Fig. 4(a) and Fig. 4(b), suitable for right-hand users and left-hand users by exchanging position of the stopper 54 and the handle member 53 attached to the opposite ends of the transmitting shaft 52. Consequently, the Frederick '613 patent fails to disclose or suggest the inventive structures recited in the amended claims.

Stuckens. In item 4 of the Office Action, the original claim 6, 10 and claims 13-15 are rejected under 35 U.S.C.102(b) as being anticipated by Stuckens (US 3,060,780).

After reviewing the Examiner's grounds for rejection, it appears the Examiner may have misunderstood the function of Stuckens' stub shaft 76. Referring to Fig. 1, Fig. 2, Fig. 4 and col. 4, line 51-62 in the Stuckens '780 patent, the stub shaft 76 operates to rotate the gear sector 71, 72 and support the beam 60. In other words, Stuckens' stub shaft 76 is not attachable to and detachable from to the left-most end of Stuckens' shaft 80 and not for preventing the shaft 80 from being dislocated. Hence, Applicant submits that Stuckens' stub shaft 76 is not a "stopper" as disclosed and recited in the amended claims. Accordingly, Stuckens '780 patent fails to disclose or suggest each and every feature recited in the rejected claims.

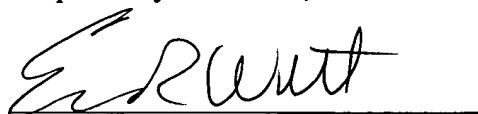
Claim Rejections – 35 USC § 103

In item 6 of the Office Action, the original claims 7-9 and claims 11-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stuckens. The Stuckens patent is discussed above in relation to the rejection under Section 102(b). Applicant submits that claims 7-9 and 11-12 would not have been obvious from the disclosure of Stuckens for the reasons set forth above.

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Amdt. dated September 7, 2005
Reply to Office Action of May 26, 2005

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. R. Witt", written over a horizontal line.

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